

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>7/15/09</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BERK-COHEN ASSOCIATES at TOR-VIEW :  
VILLAGE APARTMENTS, L.L.C., :  
Plaintiff, :

-v- :

LOEB HOUSE INC., COUNTY OF ROCKLAND, :  
ROCKLAND COUNTY FAIR HOUSING BOARD and :  
UNITED STATES DEPARTMENT OF HOUSING AND :  
URBAN DEVELOPMENT :  
Defendants. :

08 Civ. 9963 (DLC)

ORDER

-----X  
DENISE COTE, District Judge:

A conference held on the record yesterday in the above-captioned matter was held yesterday to address pending motions to dismiss. For the reasons stated on the record, it is hereby

ORDERED that the HUD's May 6, 2009 motion to dismiss the claim for declaratory judgment brought against HUD is granted.

IT IS FURTHER ORDERED that the December 24, 2008 motion to dismiss brought by the County of Rockland and the Rockland County Fair Housing Board (the "County Defendants") is denied.

IT IS FURTHER ORDERED that Loeb House's June 8, 2009 request for that it be dismissed from this lawsuit is denied.

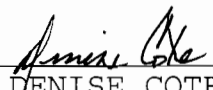
IT IS FURTHER ORDERED that, should the County Defendants or Loeb House wish to bring a motion to dismiss the complaint on the grounds that the plaintiff lacks standing to sue under the Fair Housing Act because it is not an "aggrieved person" as defined by 42 U.S.C. § 3602(i) or § 3613, or on other grounds,

such a motion shall be filed by **August 14, 2009**. Opposition shall be due by **August 28, 2009**. Any reply shall be due by **September 4, 2009**.

IT IS FURTHER ORDERED that at the time any reply is filed, the moving party shall provide two courtesy copies of all motion papers to Chambers by delivering them to the Courthouse Mailroom, 8th Floor, United States Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED:

Dated: New York, New York  
July 15, 2009

  
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DENISE COTE  
United States District Judge